

REMARKS

This amendment is offered in response to the Office Action of August 22, 2008.

The Office Action objected to the specification for couple of informalities. The claims 14 and 15 are objected for informalities. The Office Action rejected claims 2, 6, 14, 18, and 22 under 35 U.S.C. §112, second paragraph. Claims 13-24 are rejected under 35 U.S.C. §101 for the claims being directed at non-statutory matter. Claims 1-9, 11, 13-21 and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,414,195 to Peterson et. al. (“Peterson”). Claims 10 and 22 are rejected under 35 U.S.C. §103(a) as being obvious over Peterson in view of U.S. Patent No. 7,244,902 to Popp. Claims 12 and 24 are rejected under 35 U.S.C. §103(a) as being obvious over Peterson in view of U.S. Patent No. 6,657,189 to Atwell et al. (“Atwell”).

In response, applicants have amended the specification to remove the informalities pointed by the Examiner. Further, claims 14 and 15 have also been amended to remove the informalities. The amendments made to the claims and specification removes the informalities. Applicant respectfully requests to have the objections withdrawn.

In response the rejection of claims 2, 6, 14, 18, and 22 under 35 U.S.C. §112, second paragraph, Applicant has made the following amendments. Claims 2 and 14 have been amended to remove the “and/or” language from the claims. Further, new claims 25-27 have been added to separately claim the removed elements. No new matter is being added. Claims 6 and 18 have also been amended, removing the language beginning with “eg” as pointed out by the Examiner. Further, claim 22 has been amended to correct improper antecedent basis.

No new matter has been added. Applicant respectfully requests to have the rejections withdrawn.

Further, claims 13-24 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Applicant has amended claim 13 by adding the sorting step suggested by the Examiner in the Office Action. No new matter has been added. Applicant respectfully requests to have the rejection withdrawn.

Rejection of Claims 1-9, 11, 13-21 and 23 under §102(b) over Peterson et al.

In response to the rejection of claims 1-9, 11, 13-21, and 23 under §102(b) as being anticipated by Peterson (U.S. Patent No. 5,414,195), Applicants have amended dependent claims 1 and 13 by adding the feature that “at least one further sensor device and...at least one further sensor device is an image-forming sensor” to both of the claims. Support for this amendment is found in paragraph [0082] of the specification and throughout the specification. No new matter is being added.

Peterson discloses a system and a method for online monitoring and control of a soil washing process of soil contaminated with heavy-metal. See Column 2, lines 3-20 of Peterson. Since the disclosure of Peterson is directed towards slurry containing small heavy-metal particles, the particles in the slurry would be too small to record using an image-forming sensor. Peterson also fails to disclose an image-forming sensor. Therefore, the amended claims 1 and 13 and its dependent claims are not anticipated by Peterson. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 10 and 22 under §103(a) over Peterson in view of Popp

In response to the rejection of claims 10 and 22 under §103(a) over Peterson in view of Popp, applicant respectfully state that the Peterson in combination with Popp fails to make the

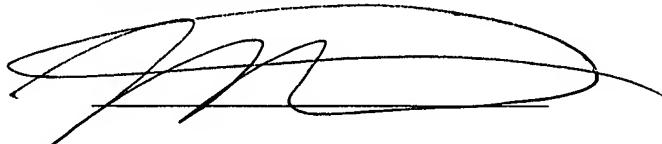
claims 10 and 22 obvious. The combination of Peterson and Popp fails to disclose the feature now clearly claimed in amended claims 1 and 13. Claim 10 depends on claim 1 and claim 22 depends on claim 13. Applicant respectfully requests the rejection to be withdrawn.

Rejection of Claims 12 and 24 under §103(a) over Peterson in view of Atwell

In response to the rejection of claims 12 and 24 under §103(a) over Peterson in view of Atwell, applicant respectfully state that the Peterson in combination with Popp fails to make the claims 12 and 24 obvious. The combination of Peterson and Atwell fails to disclose the feature now clearly claimed in amended claims 1 and 13. Claim 12 depends on claim 1 and claim 24 depends on claim 13. Applicant respectfully requests the rejection to be withdrawn.

Applicant encloses a request for two month extension of time and fee. Applicant believes that there are no additional fees due. However, if any fees are due, please charge such sums to our Deposit Account: 50-1145.

Respectfully submitted,



Gerald Levy
Registration No. 24,419

Lindsay S. Adams
Registration No. 36,425

Robert L. Norton
Registration No. 62,082

Attorneys for Applicants

Day Pitney LLP
7 Times Square
New York, New York 10036-7311
(212) 297-5800